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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,072

04/15/2005

Mauro Maritano

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7161

22852

7590

08/06/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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EXAMINER

GRAY, JILL M

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

08/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,072	Applicant(s) MARITANO ET AL.	
	Examiner Jill Gray	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 22, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22, 2009 has been entered.

Response to Amendment

2. Prior art reference Snow et al., has been withdrawn in view of applicants' arguments.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anelli et al., 6,577,796 B2 and PCT Publication WO 00/21098 (hereinafter referred to collectively as Anelli) in view of Uemura et al., 5,134,036 (Uemura) and Kamachi et al., 5,187,226 (Kamachi), for reasons of record.

Anelli is as set forth previously and discloses a telecommunications cable comprising an elongated element housing at least one transmitting element, said element comprising a water-soluble polymer material such as vinyl alcohol/vinyl acetate copolymer, as required by claim 1. See for example abstracts and entire documents. In

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addition, the elongated element is a tubular element comprising at least one sheath made from said water-soluble polymer material, comprising a double layer sheath in which the inner sheath is made from a water-soluble polymeric composition and the outer sheath is made from a conventional water-insoluble composition, and further comprising a third outer sheath made from water-soluble polymer material, as required by claims 18-20. Alternatively, Anelli discloses that the elongated element is a grooved core comprising at least one groove longitudinally disposed on the outer surface of said core, as required by claim 21. See for example '796, column 4, lines 35-62. As to the specific composition of the water-soluble polymer material, Anelli discloses that his particular preferred embodiment comprises a vinyl alcohol/vinyl acetate copolymer that can be obtained by partial hydrolysis of the acetate groups of a polyvinyl acetate homopolymer. See column 5, line 50 through column 6, and line 2. Anelli discloses that his composition can contain conventional additives such as stabilizers and plasticizers, wherein at least 5% of the total weight of the composition is plasticizer, and can range from about 1% to about 30% by weight as required by claims 10-11. Additionally, Anelli discloses that the copolymer is present in amounts of at least 50% by weight and more than 75% by weight, per claims 8-9. See for example '796 column 10, lines 17-40 and column 17, lines 12-27. Anelli is silent as to the specific stabilizer.

Uemura discloses ethylene-vinyl alcohol copolymers produced by saponification of ethylene-vinyl ester (such as vinyl acetate) in the presence of an antioxidant of the type contemplated by applicants, namely, "IRGANOX 1098". See entire document and for example columns 3-5. Kamachi discloses vinyl alcohol polymers and copolymers

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with vinyl acetate that are produced by a process that includes hydrolysis in the presence of an antioxidant such as "IRGANOX 1098" which enhances the degree of polymerization in the presence of oxygen. See entire document, and for example, columns 5-7.

Regarding claims 1, 6-7, 12-17, and 22-26, Kamachi teaches that "IRGANOX 1098" can be used as an antioxidant as long as it does not lose its activity against oxidation. This teaching would have suggested that the aforementioned antioxidant is not merely used in the hydrolysis process, but that it is present in the final product to some degree to impart antioxidant properties.

It would have been obvious to one having ordinary skill in the art to modify the teachings of Anelli by using including a known, commercially available antioxidant, with the reasonable expectation of obtaining the efficacious properties associated therewith..

Regarding claims 2-5, it is the position of the examiner that the discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art.

Therefore, when considered as whole, the combined teachings of Anelli, Uemura and Kamachi would have rendered obvious the invention as claimed in present claims 1-26.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524.

The examiner can normally be reached on M-Th and alternate Fridays 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jill Gray/
Primary Examiner
Art Unit 1794

jmg